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TO: United States Patent and Trademark Office
COMPANY: Examiner David C. Comstock, Art Unit 3733FAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Brad A. Schepers

DIRECT DIAL: (317) 238-6334
FAX NUMBER: (317) 636-1507RE: Interview Summary and Comments on Statement of Reasons for Allowance for U.S. Patent Application
No. 10/734,041 to Eisermann et al.COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and
Trademark Office at 571-273-8300 on:May 20, 2009
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Client Matter No.: 334 MSDI-222

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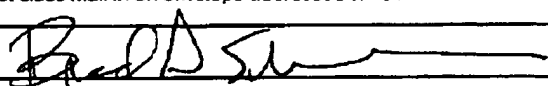
TRANSMITTAL FORM		Application Number	10/734,041
		Filing Date	December 11, 2003
		First Named Inventor	Lukas Elsermann et al.
		Art Unit	3733
		Examiner Name	David C. Comstock
		Attorney Docket Number	MSDI-222/PC765.00
(to be used for all correspondence after initial filing)			
Total Number of Pages in This Submission	5		

ENCLOSURES (Check all that apply)		
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Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP
Signature	
Printed name	Brad A. Schepers
Date	May 20, 2009
Reg. No.	45,431

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Signature	
Typed or printed name	Brad A. Schepers
Date	May 20, 2009

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MAY 20 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re patent application of:)	Before the Examiner
Eisermann et al.)	David C. Comstock
)	
Application Serial No. 10/734,041)	Group Art Unit 3733
)	
Filed December 11, 2003)	Ref. No. MSDI-222/
)	PC765.00
)	
EXPANDABLE INTERVERTEBRAL)	May 20, 2009
IMPLANT)	

Via Facsimile Transmission: 571-273-8300**INTERVIEW SUMMARY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the telephonic interview conducted between Examiner Comstock and the undersigned representative on March 30, 2009, please enter the following Interview Summary. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:	
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REMARKS

The Applicant's representative thanks Examiner Comstock for the courtesy of initiating the telephonic interview conducted on March 30, 2009 to advance prosecution of the subject application. Participants in the telephonic interview included Examiner Comstock and the undersigned representative.

Claims 8, 33, 41 and 48 were discussed with regard to U.S. Patent No. 5,059,193 to Kuslich and possible amendments of these claims to improve their form and to place the application in condition for allowance. Specifically, proposed amendments to claims 8, 33, 41 and 48 were discussed with regard to recitation of slidable engagement between the expansion member and the first and second axial walls of the implant. Examiner Comstock indicated that the subject application would be placed in condition for allowance if the proposed amendments were incorporated into the claims. Agreement was reached between Examiner Comstock and the undersigned representative with regard to the proposed claim amendments, which ultimately led to issuance of the Notice of Allowance dated April 2, 2009 including entry of the proposed claim amendments via an Examiner's Amendment.

Respectfully submitted,

By: 

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Interview Summary
Application Serial No. 10/734,041
Inventor: Eisermann et al.

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